IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITON NO.6455 OF 2005

The Chief Executive Engineer,
Aarey Milk colony, Goregaon (E),
Mumbai and anr. .. Petitioners

v/s.

Smt.Jayalaxmi Dharmalingam &
ors. .. Respondents

Mr.D.B.Patil for the petitioners.

None for the respondents.

CORAM : SMT.NISHITA MHATRE, J.

DATED : 29th September, 2005

P.C.

The petition challenges the order of the Industrial Court dated 29th April, 2004 allowing the complaint filed by the respondents. The complaint has been filed under items 5,6 and 9 of schedule IV of the MRTU & PULP Act. The respondents complained that although they had completed 240 days in continuous service almost every year since they joined duty, they were not made permanent. The respondents also complained of a breach of clause 4-C of schedule I of the Model Standing Orders under Industrial Employment (Standing Orders) Act, 1946 applicable to the petitioners.

2. The Industrial Court has considered the fact that the witness for the petitioners has admitted that the complainants were given employment practically every year for 240 days. Some workmen who had similarly completed 240 days were made permanent. On this basis, the Industrial Court has allowed the complaint.

3. I see no reason to interfere with the findings of the Industrial Court. Petition is rejected.

(SMT.NISHITA MHATRE, J.)